

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CLINTON MAILAHN, )  
Plaintiff, ) 8:05CV442  
vs. )  
METROPOLITAN LIFE )  
INSURANCE COMPANY, )  
Defendant. ) ORDER

This matter is before the court following a planning conference with counsel on April 19, 2006. The plaintiff was represented by Frank E. Miner and the defendant was represented by Steven D. Davidson. Counsel agreed that this case may be disposed of by cross motions for summary judgment. Accordingly,

**IT IS ORDERED:**

1. The defendant shall file its motion for summary judgment **on or before July 7, 2006.**
2. The plaintiff shall file his response to the defendant's motion for summary judgment **and file the plaintiff's motion for summary judgment on or before August 18, 2006.**
3. The defendant shall file its response to the plaintiff's motion for summary judgment **on or before September 1, 2006.**
4. Both parties shall have to **on or before September 15, 2006**, in which to reply to any responses previously filed.

**IT IS FURTHER ORDERED:**

In the event the cross motions for summary judgment do not completely resolve this matter, counsel shall participate in a telephone planning conference with the undersigned magistrate judge within **ten (10) days** after the resolution of the cross motions for summary judgment. Plaintiff's counsel shall initiate the telephone conference after scheduling such conference with opposing counsel and the court.

DATED this 20th day of April, 2005.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge